



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

January 9, 2015

Ms. Theresa Claxton  
Planning & Program Management Team Leader  
Federal Highway Administration  
Tennessee Division Office  
404 BNA Drive, Suite 508  
Nashville, Tennessee 37217

RE: Federal Final Environmental Impact Statement (FEIS) for State Route 126 (Memorial Boulevard) Improvements, Kingsport, Sullivan County, TN; CEQ No.: 20140347

Dear Ms. Claxton:

The U.S. Environmental Protection Agency (EPA) has reviewed the Final Environmental Impact Statement (FEIS) for the State Route 126 (Memorial Boulevard) Improvements, Kingsport, Sullivan County, Tennessee and is commenting in accordance with Section 309 of the Clean Air Act (CAA) and Section 102(2)(C) of the National Environmental Policy Act (NEPA). The proposed project includes approximately 8 miles of widening and other roadway improvements of SR 126 from East Center Street in Kingsport to Interstate 81 in Sullivan County.

EPA provided detailed review comments on the Draft Environmental Impact Statement (DEIS) in a letter dated April 3, 2012. EPA rated the DEIS alternatives (A and B) with Environmental Concerns (EC-1) because of potential impacts to water resources and Environmental Justice (EJ) issues in the FEIS. The transportation agencies have developed a 'modified Alternative B' which is also the preferred alternative. EPA has provided specific comments to the FEIS in an attachment to this letter (See Attachment A).

In summary, EPA continues to have remaining environmental concerns with respect to impacts to jurisdictional resources and proposed compensatory mitigation for impacted streams. EPA recognizes the environmental commitments on pages EC-1 and EC-2 in the FEIS and efforts to minimize impacts to historic properties and the proposed Phase II environmental site assessments for hazardous materials sites. Furthermore, EPA acknowledges the environmental commitment to reduce potential air quality impacts during construction to two nearby air quality monitoring stations. EPA requests that jurisdictional impact issues, compensatory mitigation efforts and additional information on the Environmental Justice analysis be detailed in the

Record of Decision. If you have any questions concerning these comments, please contact Mr. Christopher Militscher of my staff at 404-562-9512 or by e-mail at [Militscher.chris@epa.gov](mailto:Militscher.chris@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Mueller', with a long horizontal flourish extending to the right.

Heinz J. Mueller, Chief  
NEPA Program Office  
Resource Conservation and Restoration Division

cc: J. Ozment, TDOT w/Attachment A

w/Attachment A

**Attachment A**  
**State Road 126 (Memorial Boulevard) Improvements**  
**Sullivan County, Tennessee**  
**Final Environmental Impact Statement**  
**CEQ No.: 20140347**

**Project Impacts**

The FEIS identifies the following impacts for the preferred alternative (Alternative B Modified):

Wetlands: 0 acres  
Streams: 3,107 linear feet (2,841 feet perennial and 266 feet intermittent)  
Floodplain impacts: 3.2 acres  
Residential relocations: 81 single family, 22 multi-family and 1 mobile home  
Business relocations: 24  
Non-profit/community: 1 volunteer fire station  
Noise receptor impacts: 18 (Table S-1 indicates that none will require 'mitigation')  
Forest land acquired (impacted): 50 acres  
Threatened and endangered species: 0  
Historic properties: 0  
Hazardous materials sites: 6 (requiring a Phase II study)  
Prime/unique farmland: 5 acres  
Land use: 100 acres converted to additional highway ROW

EPA notes the FHWA/TDOT determination that there is no disproportionately high and adverse impact to minority or low-income populations is based upon the generalized analysis provided in Section 4.5 of the FEIS. On page 4-11, Table 4-4 indicates that 3 block groups (i.e., Tract 408, BG 1 & 2 and Tract 409, BG 2) meet the environmental justice (EJ) criteria for low income (10% greater percentage than the County-wide percentage of 15.9%). However, this section does not specifically describe what the direct impacts to low-income persons are in terms of relocations or impacted noise receptors. The Record of Decision (ROD) should clearly identify the specific relocation and noise impacts for each low-income block group that qualifies as meeting the EJ criteria and that supports the FHWA/TDOT determination.

Jurisdictional impacts to streams remains the same for Alternatives A, B and B-Modified in the FEIS. Minimization measures identified on pages 4-18 and 4-19 of the FEIS include sediment and erosion control measures and some related water quality Best Management Practices (BMPs). The FEIS does not identify any potential Clean Water Act Section 404(b)(1) avoidance measures, such as shifting the proposed alignment away from streams and utilizing retaining walls along parallel portions of streams being impacted (e.g., UT to Sougans Branch). For relocated streams, FHWA/TDOT should consider natural stream design specifications and processes in final design plans. The ROD should identify avoidance measures taken by FHWA/TDOT to reduce jurisdictional stream impacts.

The FEIS does not detail any compensatory mitigation requirements for jurisdictional stream impacts that will most likely be required under a U.S. Army Corps of Engineers Section 404 Individual Permit (IP). The ROD should describe the detailed compensatory mitigation plans for unavoidable impacts to waters of the U.S.